

# CITY OF CENTRAL POINT

## *Oregon*

### City Council Meeting Minutes Thursday, January 13, 2022

#### I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Hank Williams

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

Attendee Name	Title	Status	Arrived
Hank Williams	Mayor	Present	
Neil Olsen	Ward I	Late	
Kelley Johnson	Ward II	Remote	
Melody Thueson	Ward III	Present	
Tanee Brown	Ward IV	Remote	
Rob Hernandez	At Large	Present	
Michael Parsons	At Large	Remote	

Staff members present: City Manager Chris Clayton (Remote); City Attorney Sydnee Dreyer (Remote); Police Chief Kris Allison (Remote); Police Captain Dave Croft; Parks and Public Works Director Matt Samitore; Planning Director Stephanie Holtey (Remote); IT Director Jason Richmond; City Recorder Deanna Casey; and Accounting Business Services Coordinator Rachel Neuenschwander

#### IV. PUBLIC COMMENTS

#### V. CONSENT AGENDA

##### A. Approval of December 16, 2021 City Council Minutes

Neil Olsen arrived at 7:03 p.m.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Hernandez, At Large
<b>SECONDER:</b>	Melody Thueson, Ward III
<b>AYES:</b>	Williams, Johnson, Thueson, Browning, Hernandez, Parsons
<b>ABSENT:</b>	Neil Olsen

#### VI. ITEMS REMOVED FROM CONSENT AGENDA

#### VII. PUBLIC HEARING

- A. Ordinance No. \_\_\_\_\_, An Ordinance Establishing a Franchise Agreement Between United States Cellular Operating Company of Medford for Use of the Public Right of Way Relating to Small Cell Wireless Facilities

City Attorney Sydnee Dryer presented the first reading of the ordinance establishing a franchise agreement with US Cellular with a 5G wireless service. This is the first franchise agreement that the City has had with this nature. The installation, operation and maintenance of small cell wireless facilities in the public ways of the City. Council is requested to consider approval of a non-exclusive franchise with USCC for small wireless facilities in the public right-of-way.

The franchisee would pay a \$500 one-time, non-recurring application fee for up to five small wireless facilities, with an additional \$100 non-recurring application fee for each facility beyond five, plus a \$1,000 non-recurring fee for a new pole (i.e., not a collocation). The franchisee would also pay \$270 per small wireless facility per year.

Small cell wireless facilities used to support the new 5G cellular data network are smaller but more numerous than traditional wireless telecommunication towers. For this reason, small cell wireless facilities are oftentimes placed in the public right-of-way, frequently on existing poles in the right-of-way, instead of in a dedicated tower on a dedicated parcel of land. The proposed franchise does not regulate the design of small cell facilities; rather, this will be handled through uniform standards under the CPMC applicable to all small cell facilities, including provisions regarding aesthetics, collocation on existing poles, and permissible locations.

**Mike Parsons moved to approve the first reading of Ordinance Establishing U.S. Cellular Franchise Agreement.**

**RESULT: 1ST READING [UNANIMOUS]**

**Next: 1/27/2022 7:00 PM**

**MOVER:** Michael Parsons, At Large

**SECONDER:** Melody Thueson, Ward III

**AYES:** Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**B. Ordinance No. . An Ordinance Amending in Part Central Point Municipal Code Chapters 5.34.010 and 5.34.020 Pawnbrokers and Secondhand Dealers**

City Attorney Sydnee Dryer presented the first reading of an Ordinance Amending CPMC Chapter 5.34 Pawnbrokers and Secondhand Dealers. Currently, the CPMC requires pawnbrokers and secondhand dealers to maintain a report of all property received on deposit, pledged or purchased and to submit that electronic report to the City. However, there is no requirement that said businesses photograph the property upon receipt. As a result, the Central Point Police Department has found that it can be difficult to track stolen property and return it to its rightful owner. Additionally, requiring a digital photo of property received could help discourage certain unethical business activities as it would deter the purchase of new products in the original packaging, which has been an issue with some businesses over the years. The proposed revisions would require the addition of a digital photo at the time the property is received, and would require that a clear digital photograph be uploaded to the City's electronic pawn reporting system, which is already utilized by pawnbrokers and secondhand dealers, though excludes any property that is simply pledged as collateral for a loan.

It was asked if this was a current issue in the City of Central Point; Dave Croft explained that this would help officers in investigations when there is not a thorough description of the item. This will allow this to put more responsibility on pawnshops so that there is a better description and a photo.

**Melody Thueson moved to approve the first reading of Ordinance Amending CPMC Chapter 5.34 Pawnbrokers and Secondhand Dealers In Part.**

<b>RESULT:</b>	<b>1ST READING [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Next: 1/27/2022 7:00 PM</b> Melody Thueson, Ward III
<b>SECONDER:</b>	Rob Hernandez, At Large
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**C. Ordinance No. , An Ordinance amending Central Point Municipal Code Chapter 13.20 in Part Regarding Backflow Prevention Devices**

Parks & Public Works Director Matt Samitore presented to the Council the first reading of an Ordinance to amend Section 13 Water for Backflow Prevention Devices. In reviewing the ordinance, it was determined that some devices are not being installed correctly or are not good enough to protect the overall system. The City of Central Point has a very successful backflow prevention program. Still, our water division has noticed some lesser quality devices being installed that do not protect the overall city water system over the past few years. Backflow Prevention Assemblies (BPA) are devices that are installed on homes with in-ground sprinkler systems. The device disallows water to back charge into the overall City water System. There are some financial differences, the devices that are currently allowed are very cheap and easy to install, going for around \$150 to the devices we want to require are about \$250.

We would like to put in some additional changes that match the Medford Water Commission that put the responsibility on the property owner to provide and keep required backflow prevention assemblies in good working condition at all times.

Therefore, staff suggests adding language that would restrict the type of devices installed in new construction and add additional language about homeowner responsibility and pre-existing assemblies.

**Melody Thueson moved to approve the first ready of Ordinance to amend section 13: Water for Backflow Prevention Devices.**

**RESULT:** 1ST READING [UNANIMOUS]

**MOVER:** Next: 1/27/2022 7:00 PM  
Melody Thueson, Ward III

**SECONDER:** Michael Parsons, At Large

**AYES:** Williams, Olsen, Johnson, Thueson, Browning, Hernandez,  
Parsons

## **VIII. ORDINANCES, AND RESOLUTIONS**

### **A. Resolution Ratifying Opioid Settlement Agreements**

City Attorney Sydnee Dreyer presented the Resolution Ratifying Opioid Settlement Agreements. The State of Oregon entered into settlement agreements with Distributors McKesson, Cardinal Health, AmerisourceBergen and J&J as of July 21, 2021, regarding the opioid litigation. Pursuant to those agreements, the state is to receive 45% of settlement proceeds and participating subdivisions, including the City of Central Point, share in 55% of the settlement proceeds. The state's share of the proceeds is to be deposited into a Prevention, Treatment and Recovery Fund to be used solely for approved abatement purposes.

The participating subdivisions' shares, including the City, must also be used for specified abatement purposes. The City's share will be paid directly to the County unless the City notifies the Settlement Fund Administrator that it requests direct payment of the proceeds. Given the restrictions on using the funds, it is likely that the City will not seek direct payment. However, 15% of the funds appear to have more broad permissible uses, and as such, if the City determines in the future that it desires to receive a portion of those funds directly, it may be able to do so either through application to the fund administrator or via an agreement with the County.

The proposed participation agreements and distribution agreements were sent to the City and other participating subdivisions right before the holiday, with a deadline to sign by January 2, 2021. As such, the City Attorney proceeded with the execution of the agreements, subject to Council ratification of same, as have many other jurisdictions have given time constraints.

City Manager Chris Clayton stated that the nationwide settlement was \$26 billion, which came to the State of Oregon \$329 Million. Initially talked to the County about an MOU to split the funds with the County to fund services that meet the criteria and things the City would be interested in funding. The reporting requirements are substantial and so in talking with Danny Jordan at the County, the City will look for opportunities to that the County could fund services that could meet the criteria and things that Central Point would be interested in funding and the reporting requirements will remain with the County.

A question was brought up regarding the opportunity to get back the 15% were still up to be determined. City Manager Chris Clayton stated that some programs that funds might be eligible for use are the City's DARE program and the Rogue Retreat Agreement. When these agreements are approved, it will be a while before the County receives these funds. The requirements to spend these funds are narrow that unless you are a county or a large city in Oregon that is already providing treatments

for inpatient care, it will be pretty challenging to do. The County seems open to working on something with the City if we can come to an agreement.

City Attorney Sydnee Dreyer stated that Portland might be taking a broad stroke on how these funds can be used, so arguably, if other Cities wanted to do the same, they could. Portland is a much larger city with more significant problems on its hands. They provide more services than the City of Central Point does, and if the City receives any of these funds directly, we would have to report to the Attorney General every year for how these funds are used. The funds may be doled out on an annual basis, the cities election on whether to receive funds directly or not, it is to be made each time the settlement administrator is going to make a payment. The MOU with the County may be the more efficient approach and agree upon where the City would like to utilize the funds.

**Rob Hernandez moved to approve Resolution 1694 Ratifying Opioid Settlement Agreements.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Hernandez, At Large
<b>SECONDER:</b>	Taneea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

- B. Consideration of a Resolution of Intent to Annex three (3) properties along the Bear Creek Greenway for wildfire prevention and parks and recreation use. The subject properties total 7.45 and are identified on the Jackson County Assessor's Map as 3702W11A-TL102 and 28100, and 3702W12B-TL501.**

Planning Director Stephanie Holtey presented the Resolution of Intent to Annex 3 properties along the Bear Creek Greenway. The September 2019 wildfire along the Bear Creek Greenway posed a significant risk to the entire community. Although the Bear Creek Greenway is within the City's Urban Growth Boundary and adjacent to developed city lands, at the time of the fires, most of the affected area was owned by Jackson County and the City of Medford. Following the fires, the City started working with Jackson County and the City of Medford to transfer ownership of the Greenway properties to the City as part of a larger plan to mitigate fire risk and create a park and recreation amenity for the community. To fund the design and construction projects as well as implement more standardized maintenance, the properties must be within the city limits. City records indicate that three (3) may already be in the city limits, and three (3) will need to be annexed (Attachment "A"). On January 4, 2022, the City closed on the transfer of properties owned by Jackson County. The transfer of Medford properties is in progress and is anticipated to close within the first quarter of 2022. At this time, staff is requesting Council's authorization to prepare the annexation documents and initiate the application as necessary to expedite the annexation process once all of the affected Bear Creek Greenway properties are under City ownership.

City Manager Chris Clayton, the properties from Jackson County, has closed; Medford will follow shortly. The next step is to, and then at the January 27 Development Commission meeting, we will be asking to approve the consulting agreement to amend our Urban Renewal Plan to bring these lands into the Central Point Urban Renewal District. This will be the mechanism to fund capital

improvements related to the project's design.

**Mike Parsons moved to approve Resolution No. 1695 Declaring the City of Council's Intent to Annex City-Owned Properties Along the Bear Creek Greenway within the Fire Area Master Plan Area Including 372W11A-TL 102 and 28100, and 272W12B-TL501, 600, 699; and 372W12C-301.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Parsons, At Large
<b>SECONDER:</b>	Taneea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

## **IX. BUSINESS**

### **A. Planning Commission Report (Holtey)**

Planning Director Stephanie Holtey explained the January 11, 2022 Planning Commission Report.

- The Planning Commission conducted a public hearing and considered a proposed Comprehensive Plan Amendment to the Transportation System Plan (TSP).
- Staff provided a brief verbal update about one development inquiry in the City related to property that is for sale on Snowy Butte Road near Ash and South Haskell Street.
- Staff provided an overview of two (2) long range planning projects: 1) Transportation System Plan (TSP) update and 2) Potential Urban Heat Island Mapping project.
- It was reported by the Chair that there is a Planning Commission vacancy. Staff stated that a recruitment will begin soon.
- Commissioners confirmed their desire to have a study session to better understand transportation planning matters, most specifically related to warrants and new climate rules.

<b>RESULT:</b>	<b>ANNOUNCED</b>
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## **X. MAYOR'S REPORT**

Mayor Hank Williams reported that:

- He attended the Sponsor Dinner for the Bull Riding at the Expo with Mike Parsons.
- He skipped the Fair Board Meeting, COVID is going through his family in Arizona and he chose to not attend this meeting.

## **XI. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- COVID 19 continues to be a challenge for the City of Central Point, a lot more spread and outbreak in recent times.
- The Mail Tribune article on the Horse Blanket, the article was fair and pointed out some issues, the Building Dept. is working with the building owner to try to get an evaluation done from the structural engineer as soon as possible. Once we have that in hand we will do every effort to work with them on getting that repaired or if they choose to take the structure down.
- The Planning Commission and a Community Advisory Committee both have vacancies that need to be filled.
- At the January 24th Study Session there will be a tour of the Public Works Corporation yard starting at 4:00 p.m. and then dinner and a FLOCK presentation.
- Senior Center hot topic on the news and on social media. In early February, the Rogue Valley Council of Governments board will be asked to approve the purchase of the property and then we will move forward with the sale agreement will be presented at a February meeting. Parks & Rec staff have been working with the Senior Center and RVOG to make the transition as easy as possible. The next steps of how we can partner and expand services for the Senior community as soon as possible.
- Public Works Operation Center, the financing package is wrapping up bond council has just about finished their work. That will be getting approved shortly.
- House bill 5006 funded recovery from the wild fires on property tax, counties that were impacted by fires were being made whole by the state legislature on property taxes that were not coming in because of damaged or destroyed properties. Jackson County was included and the City of central point got an additional \$40,000 in property tax revenue just recently.
- Community Center Design at the Expo continues and it is really starting to take shape and we are on to something good. Matt Samitore and Rob Hernandez have been attending the design meetings, and providing input as well, we are getting closer in terms of cost and a facility that everyone will be happy with.
- The TSP amendment that was made by the planning commission as it relates to the Hwy 99 and Scenic Ave upgrade. When the Crater Rail Crossing was approved part of that was a negotiation with Jackson county and we had to agree to do several things, closing the Seven Oaks Crossing, compensate land owners that were impacted by the seven oaks crossing and we had to upgrade the intersection of Scenic and Hwy 99 and make it safe which is why we are doing the TSP amendment and ODOT will be starting the project in the near future. The city has satisfied all the requirements with the county. Chris will be working with Sydnee to draft a letter to the Jackson county commissioners letting them know with the completion of the intersection upgrade we have satisfied that board order and we have done our part so to speak.

## **XII. COUNCIL REPORTS**

Council Member Tanea Browning reported that:

- She attended two Medford Water meetings, and to quote “what we are seeing has not been seen before historic below average water shed storage numbers”. Found it interesting that even though we were seeing a lot of moisture it wasn’t being retained as much as we have had in the past.
- She was asked to join the state infrastructure implementation cabinet by a representative from the governor’s office.
- She has been spending time in special meetings with the LOC, specifically to address the public conduct of the executive director appointment interim, permanent executive recruitment process, and the strategic plan will be rolling and focusing on the tours in those small cities.

Council Member Mike Parsons reported that;

- He attended the Challenge of Champions Bull riding sponsor dinner with the Mayor.
- He attended the Challenge of Champions Bull Riding event at the expo. The Challenge of Champions truly appreciates the City’s yearly sponsorship.

Council Member Neil Olsen reported that he attended the Planning Commission Meeting.

Council Member Melody Thueson reported that she attended the School Board Meeting.

Council Member Rob Hernandez reported that:

- He attended the Zoom Jackson County Community Center Meeting.
- Attended a SOREDI board meeting.

Council Member Kelley Johnson had nothing to report.

### **XIII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore reported that working on tree removal and tree upkeep at the cemetery, there are several trees that have branches growing over to the houses in Central Point East the residents have been very nice but are wanting things taken care of.

Police Captain Dave Croft reported that:

- Chris Wasner graduated from the Police Academy and is now in field training.
- Last Friday there was CSO testing in the council chambers the written test, there were 13 applicants those have been sent back to the testing company.



□ There were two robberies one at Purple Parrot where a firearm that was displayed no property was obtained on that one, Medford is working a Purple Parrot robbery with the same description and MO. Last week there was a robbery at the Peoples Bank where a note was presented the individual was able to leave with cash we have some good photos on that one and are real confident they will be able to identify the suspect. The robberies do not seem to be related.

#### XIV. EXECUTIVE SESSION ORS 192.660(2)(i) Employment Evaluations

**Mike Parsons moved to adjourn to Executive Session under ORS 192.660 (2)(i) Employee Evaluations at 7:55 p.m.** Tanea Browning seconded. All said aye and the meeting was adjourned to executive session.

Council returned to regular session at 8:14 p.m.

##### A. Motion to: Approval to extend City Manager Contract

There was discussion regarding the length of the contract which expires December 31, 2022.

Council feels confident extending the contract for three years to expire or be renewed by December 31, 2025 continuing with the annual performance evaluation. The Council discussed a 5% increase in pay with 3.4% going towards a salary increase and the remaining split between 457 and HRA benefits.

**Mike Parsons moved to extend the term of the City Manager contract to December 31, 2025, approve an increase in benefits and salary with \$1000 increase to his 457 plan, 3.4% to his base salary and the rest going to his HRA account.** Tanea Browning seconded.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Parsons, At Large
<b>SECONDER:</b>	Tanea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

#### XV. ADJOURNMENT

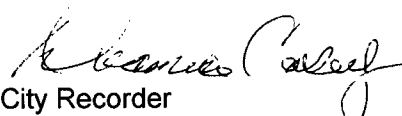
**Rob Hernandez moved to adjourn.** All said aye and the meeting was adjourned at 8:29 p.m.

The foregoing minutes of the January 13, 2022, Council meeting were approved by the City Council at its meeting of *January 27*, 2022.

Dated: *1/27/22*

  
Mayor Hank Williams

ATTEST:

  
City Recorder